

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES-Treasuries & Accounts Department-Re-instatement of Sri G.Satyam, Ex-Sub Treasury Officer (Removed from service), District Treasury, Srikakulam, into service-Orders-Issued.

FINANCE (ADMN-III) DEPARTMENT

G.O.Rt.No. 2085

Dated:21-04-2010

Read the following:

- 1.DTA's Procg.No.A2/4604/2005, dt.15.06.2005
- 2.Memo.Rc.No.81/A1/2005, dt.05.06.2006 of DD, DT, Srikakulam
- 3.Joining Report dt.09.06.2006 of Sri G.Satyam, STO
- 4.Rc.No.81/A1/2005, dt.06.01.2007 of the DD, DT, Srikakulam
- 5.DTA's Memo.No.K(I)2/3992/07, dt.20.08.07
- 6.Representation dt.Nil.9.2007 of Sri G.Satyam, received from paderu  
Through fax No.089352507
- 7.Lr.Rc.No.81/A1/2007, dt.20.10.2007 of the DD, DT, Srikakulam
- 8.Procgs.No.K(I)2/3992/07, dt.2.1.2008 of the DTA, AP, Hyderabad.
- 9.Representation of Sri G.Satyam (STO), Visakhapatnam Dist. dt.12-3-08.
- 11.The Joint Action Committee of Employees, Teachers and Workers, AP,  
dt.20.03.2008
- 10.Lr.No.Lr.No.K(I)2/3992/2007, dated.21.06.08 of the DTA, Hyderabad

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ORDER:

Sri G.Satyam, Sub Treasury Officer, District Treasury, Srikakulam has been unauthorizedly absent from his duties w.e.f.01.07.2005 and he left the head quarters without permission of his controlling authority, i.e., the DD, Srikakulam. He had sent Telegram on 2.7.05, requesting, the DD, Srikakulam to grant leave from 2.7.05 to 5.07.05. He remained absent there after without any further intimation. There upon the DD, Srikakulam has called for the explanation of the individual vide reference 2<sup>nd</sup> read above.

2. In the reference 3<sup>rd</sup> read above, the individual has reported to duty on 09.06.2006 FN and informed the Deputy Director, Srikakulam, that he suffered with ill health w.e.f.01.07.2005 to 08.06.2006 and he had no communication to inform the same to D.D. as he was at his native village. The said Sri G.Satyam, STO, is reported to have abstained from duties again w.e.f.08.07.2006 and did not report back.

3. In the reference 4<sup>th</sup> read above, the Deputy Director, Srikakulam has issued another show cause notice, asking the said officer as to why suitable action should not be taken. There is no response from the said officer. As the said Sri G.Satyam, STO, has been un-authorizedly absent from duty for a period of more than one year w.e.f.08.07.2006 till to date, action is required to be taken as per the provisions contained in F.R. 18-A.

4. In the reference 5<sup>th</sup> read above, Sri G.Satyam, STO, DT, Srikakulam is directed to explain the reasons for his un-authorized and continued absence from duty for more than one year period and as to why it shall not be considered that, he resigned from service and his reply in this matter shall submit with in a period of ten days from the date of its receipt other wise it will be considered that, he is not interested to reply and further action as per rules will be taken.

5. After following due procedure, after detailed examination of the material on record the DTA found that the said Sri G.Satyam, Sub Treasury Officer has been unauthorizedly absent for more than a year from 08.07.2006 and in terms of the provisions contained in Rule 18-A of the FR, he is deemed to have resigned and orders were issued to that effect vide reference 8<sup>th</sup> read above.

6. In the reference 9<sup>th</sup> read above, Sri G.Satyam, Ex-Sub Treasury Officer (Removed from service), District Treasury, Srikakulam has stated that he applied for leave at different periods of time while he was working as STO in the District Treasury Unit of Srikakulam. The leave applied for, had not been granted. He has stated that the long absence from duty was not intentional or willful, it was due to factors beyond human control. The dismal phase of his life enervated by pathetic problems subjected him to high degree of mental stress, and as he could not withstand the stress and strain, he became mentally deranged. It's due to this reason that he had been absent on long leave. He has stated that he rendered 32 year of clean service without any adverse remarks by executing his duties to the satisfaction of his superiors. He has stated that his son fell in love and married a girl who is the daughter of his arch enemy and gone astray. He deserted his home. His daughter contracted marriage with one without keeping his word in utter disregard of his fatherly affection and liking and deserted him leaving him in distress and misery.

On the top of all these problems his wife being uneducated and superstitious refused to live with him at Srikakulam and threatened that marriage would be dissolved unless he works in the surrounding areas of Paderu Agency. His sick old parents who need constant health care and maintenance have to be looked after by him alone as his wife was reluctant to take care of his old sick, parents health in the evening of their life. He become one-man-army to do service to his sick and old parents. It is his personal duty as dutiful son to serve old and sickly parents.

7. He has stated that he has gone on long spells of leave for more then one year due to mental ill-health following wrecking in his family life involving complex problems landing him in pathetic circumstances concomitant with mental agony and human suffering, thus, due to factors beyond human control he was subjected to disciplinary proceedings under CCA Rules for long leave running into a period of more than one year and he was punished by imposing the penalty of "removal from service" (deemed to have resigned) under F.R.18 A of A.P. Fundamental Rules. He has stated that, evidently the alleged absence from duty is neither willful nor intentional but it was mental ill-health thrust upon him by the circumstances, which could not be avoided or prevented by prudence and human effort and control as submitted supra. Further it is stated that disciplinary inquiry under disciplinary law CCA Rules has to take into consideration preponderance of probabilities, ordinary course of life and general flow of life, while arriving at findings on the charge of 'wrong doing' of the charged official. More over, in punishing the wrong-doer, the employer should follow all principles of natural justice as well as social justice, this is one of the established "Principles of Ethics of punishment' both in the sphere of public administration and industrial establishment. It is against this backdrop of developments his disciplinary case vis-à-vis principles of justice, good conscience and fair play has to be viewed to mitigate the 'suffering inflicted' on him as a result of punishment imposed in pursuance of F.R. 18A of A.P. Fundamental Rules. He also stated that the courts of justice dispensing justice on the principles of justice, reason, good conscience and equity, so also, the Government Executive in modern welfare state can as well dispense justice on the equitable principles of justice, good conscience, reason and fair play to its citizens including Government Servants. He has stated that it may not be out of place to cite the ruling of the Hon'ble Supreme Court as to the 'positive duty' imposed on the state specifically to protect the interests of tribal's and weaker sections of Indian society. He also stated that in view of the aforesaid submissions his disciplinary case may kindly be considered on the equitable principles of justice and reasons, his absence from duty for more than one year (leave applied at different points of time but not sanctioned) thrust upon him by mental ill-health followed by pathetic circumstances occurred in his domestic life beyond human control, may kindly be granted as extraordinary leave on the principles of equity, justice, good conscience duly reinstating him to service. He requested to impose any lesser punishment other than "Removal from Service".

8. In the reference 10<sup>th</sup> read above, the Joint Action Committee of Employees, Teachers and Workers, AP, Hyderabad has requested to the Government to kindly consider his case sympathetically on humanitarian grounds for revoking the punishment of removal from service dully treating the period from 8-7-2006 as E.O.L. on Medical grounds and to post him as STO either to Paderu or Araku and help to come out of this crisis and requested the Hon'ble CM to kindly look into this case with a sympathetic view as a special case and pass early suitable orders for his reinstatement and posted to Sub Treasury, Paderu or Araku duly treating the period of absence from 8-7-2006 till the date of his reinstatement as E.O.L.

9. Government after careful examination of the matter, hereby order to re-instate Sri G.Satyam, Sub Treasury Officer, District Treasury, Srikakulam (removed from service), into service by treating the absence period (unauthorized absence for more than 1 year) as EOL on medical grounds by setting aside the punishment of deemed resignation ordered by the DTA, AP, Hyderabad vide reference 8<sup>th</sup> read above.

10. The Director of Treasuries and Accounts, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To  
The Individual (Through the DTA, AP, Hyderabad)  
The Director of Treasuries & Accounts, A.P., Hyderabad

//FORWARDED:: BY ORDER

SECTION OFFICER